

LOUISIANA BOARD OF ETHICS  
MINUTES  
September 21, 2012

The Board of Ethics met on September 21, 2012 at 9:00 a.m. in the LaBelle Room on the 1<sup>st</sup> floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana, with Board Members Backhaus, Blewer, Ingrassia, Leggio, Lemke, Monroe and Stafford present. Absent were Board Members Duffin, McAnelly and Schneider. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, Aneatra Boykin, Mike Dupree, Brent Durham, Deidra Godfrey and Suzanne Mooney.

Senator Elbert Guillory appeared before the Board in connection with a request in Docket No. 12-1603 for a waiver of the \$2,500 late fee assessed against him for filing his 2009 Tier 2 annual personal financial disclosure statement 510 days late.

Board Member McAnelly arrived at the meeting at 9:09 a.m.

After hearing from Senator Guillory, on motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to defer until later in the meeting, consideration of a request in Docket No. 07-859 for a rehearing of a Board Order ordering the payment of late fees totaling \$8,000 assessed against Kent "Smitty" Smith, a candidate for State Representative, District 87 in the October 20, 2007 election, for failing to timely file his 30-P campaign finance disclosure report due September 20, 2007, and his 10-P campaign finance disclosure report due October 10, 2007.

Mr. T. A. Messina, a candidate for Alexandria City Court Marshal in the October 22, 2011

election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 11-1894 for reconsideration of a waiver of the \$1,200 campaign finance late fee assessed against him for filing his 30-P campaign finance disclosure report 20 days late. After hearing from Mr. Messina, on motion made, seconded and unanimously passed, the Board declined to waive the \$1,200 late fee.

Mr. Chris Ardoin appeared before the Board in connection with a request in Docket No. 12-008 for reconsideration of a waiver of the \$1,500 late fee assessed against him for filing his 2009 Tier 3 candidate personal financial disclosure statement 309 days late. After hearing from Mr. Ardoin, on motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$750 conditioned upon future compliance with the Code of Governmental Ethics.

Mr. Kevin Guidry, and his attorney, Ms. Alesia Ardoin, appeared before the Board in connection with a request in Docket No. 12-858 for a waiver of the \$2,500 late fee assessed against Mr. Guidry for filing his amended 2088 Tier 2 annual personal financial disclosure statement 54 days late. After hearing from Mr. Guidry and Ms. Ardoin, on motion made, seconded and passed by a vote of 7 yeas by Board Members Backhaus, Blewer, Leggio, Lemke, McAnelly, Monroe and Stafford and 1 nay by Board Member Ingrassia, the Board declined to waive the \$2,500 late fee but suspended \$1,250 conditioned upon future compliance with the Code of Governmental Ethics.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1170 for reconsideration of a waiver of the \$1,500 campaign finance late fee assessed against Barbara Norton, a candidate for State Representative, District 3 in the October 22, 2011 election, for filing her 40-G campaign finance disclosure report 25 days late.

On motion made, seconded and unanimously passed, the Board continued the matter to the October meeting at Ms. Norton's request.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to defer until later in the meeting, consideration of a request in Docket No. 12-1357 for a waiver of the \$540 campaign finance late fee assessed against Warren L. Montgomery, a candidate for Judge, 22nd JDC, Division C in the October 4, 2008 election, for filing his Supplemental campaign finance disclosure report 9 days late.

Mr. Dominick Willard, brother of and report preparer for Cynthia Willard-Lewis, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 12-1367 for a waiver of the \$1,200 campaign finance late fee assessed against Ms. Willard-Lewis, a candidate for State Senate, 3rd District in the March 24, 2012 election, for filing her 10-G campaign finance disclosure report 12 days late. After hearing from Mr. Willard, on motion made, seconded and passed by a vote of 6 yeas by Board Members Backhaus, Blewer, Leggio, McAnelly, Monroe and Stafford and 1 nay by Board Member Ingrassia, the Board declined to waive the \$1,200 late fee. Board Member Lemke recused himself.

The Board considered a request for reconsideration of its prior decision in Docket No. 12-858 in connection with a request for a waiver of the \$2,500 late fee assessed against Kevin Guidry for filing his amended 2088 Tier 2 annual personal financial disclosure statement 54 days late. On motion made, seconded and passed by a vote of 5 yeas by Board Members Backhaus, Ingrassia, Lemke, McAnelly and Stafford and 3 nays by Board Members Blewer, Leggio and Monroe, the Board agreed to reconsider the matter. After hearing from Mrs. Guidry, on motion made, seconded and unanimously passed, the Board affirmed its prior decision to decline to waive the \$2,500 late

fee but suspend \$1,250 conditioned upon future compliance with the Code of Governmental Ethics.

Ms. Carolyn "Cat" Johnson, a candidate for St. John the Baptist Council in the October 22, 2011 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 12-1490 for a waiver of the \$1,000 campaign finance late fee assessed against her for filing her 10-G report 196 days late. After hearing from Ms. Johnson, on motion made, seconded and passed by a vote of 5 yeas by Board Members Backhaus, Blewer, McAnelly, Monroe and Stafford and 3 nays by Board Members Ingrassia, Leggio and Lemke, the Board declined to waive the \$1,000 late fee.

Mr. James L. Mayo, a candidate for Calcasieu Parish Jury, District 2 in the October 22, 2011 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 12-1493 for a waiver of the \$992, \$400, \$400, and \$1,000 campaign finance late fees assessed against him for filing his 10-P, EDE-P, EDE-G, and 40-G campaign finance disclosure reports 243, 223, 195, and 165 days late. After hearing from Mr. Mayo, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$2,792 but suspended \$1,792 conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Lucien J. Gauff, III, a candidate for St. John the Baptist Parish Council in the October 22, 2011 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 12-1494 for a waiver of the \$1,000 and \$1,000 campaign finance late fees assessed against him for filing his 30-P and 10-P campaign finance disclosure reports 271 and 251 days late. After hearing from Mr. Gauff, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$2,000.

Mr. Alvin Miller, Jr. and his attorney, Mr. Kurt Garcia, appeared before the Board in connection with a request in Docket No. 12-1602 for a waiver of the \$1,450 late fee assessed against Mr. Miller for filing his 2010 tier 2.1 annual personal financial disclosure statement 29 days late. After hearing from Mr. Miller and Mr. Garcia, on motion made, seconded and unanimously passed, the Board declined to waive the \$1,450 late fee but suspended \$1,350 conditioned upon future compliance with the Code of Governmental Ethics.

Mr. Kent "Smitty" Smith, a candidate for State Representative, District 87 in the October 20, 2007 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 07-859 for a rehearing of a Board Order ordering the payment of late fees totaling \$8,000 assessed against him for failing to timely file his 30-P campaign finance disclosure report due September 20, 2007, and his 10-P campaign finance disclosure report due October 10, 2007. The Board unanimously agreed to reconsider the matter. After hearing from Mr. Smith, on motion made, seconded and passed by a vote of 5 yeas by Board Members Blewer, Leggio, Lemke, McAnelly and Stafford and 3 nays by Board Members Backhaus, Ingrassia and Monrose, the Board rescinded \$7,500 of the late fees totaling \$8,000.

The Board recessed at 11:15 a.m. and resumed back into general business session at 11:35 a.m.

On motion made, seconded and unanimously passed, the Board adopted the following general consent agenda items:

In connection with a staff memorandum in Docket No. 11-1822, instructed the staff to issue a Notice of Delinquency to Janet Strange, a member of the Employees Retirement System Board, with respect to the Answer submitted by Ms. Strange in response to a notice of delinquency for

failing to file a personal financial disclosure statement.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G14-G30 en globo subject to any items being removed from the en globo listing for further discussion. On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G14-G30 taking the following action:

Adopted an advisory opinion in Docket No. 12-492 concluding that no violation of the Code of Governmental Ethics is presented by Christine Duhe, daughter of a St. John Parish Council member, performing insurance services for St. John Parish Sheriff's Office, since the St. John Parish Sheriff's Office is a separate agency from the St. John Parish Council and Ms. Duhe would not be entering into any transaction under the supervision or jurisdiction of her mother's agency.

Granted the request to withdraw a request for an advisory opinion in Docket No. 12-902 regarding whether Andrew LeBas may provide engineering services to Volkert, Inc. on projects with the Louisiana Department of Transportation and Development (DOTD) at a time when his mother, Sheri LeBas, serves as the Secretary of DOTD, since the attorneys for Volkert, Inc. advised that the opinion was no longer needed.

In connection with a staff memorandum in Docket No. 12-1166 regarding an Answer filed by Linda Begue, a member of the Louisiana State Arts Council, in response to a notice of delinquency requesting her 2010 and 2011 Tier 2.1 annual personal financial disclosure statements, instructed the staff to advise Ms. Begue that she is required to file her 2010 and 2011 Tier 2.1 annual personal financial disclosure statements.

Adopted an advisory opinion in Docket No. 12-1185 concluding that the staff of the Southwest Louisiana Education and Referral Center (232-HELP/LA 211) are not subject to the

training requirement for public servants found in La. R.S. 42:1170A(3), since the employees are not public servants as defined by the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 12-1392 concluding that no violation of the Code of Governmental Ethics is presented by Daniel Duhon being hired as a compensated fireman for the Town of New Llano Fire Department while his uncle is a chief at the same fire department, since uncles are not considered as “immediate family members” as defined by the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 12-1395 concluding that no violation of the Code of Governmental Ethics is presented by Douglas LaCombe accepting a job with the Acadia Parish Police Jury while he serves as a member of the Acadia Parish School Board, since the Acadia Parish School Board and the Acadia Parish Police Jury are separate governmental entities and since the Acadia Parish Police Jury is not a person as defined by the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 12-1406 concluding that no violation of the Code of Governmental Ethics is presented a company, Historia LCC, owned by Dr. Charles D. Chamberlain III, Ph.D. Museum Historian for the Louisiana State Museum, contracting with the Louisiana Department of Wildlife and Fisheries, since Dr. Chamberlain’s agency is a part of the Lieutenant Governor’s Office and is separate and apart from the Department of Wildlife and Fisheries.

Adopted an advisory opinion in Docket No. 12-1413 concluding that no violation of the Code of Governmental Ethics is presented by members of the Louisiana Real Estate Commission (Commission) attending an international conference sponsored by the American Real Estate License Law Officials (ARELLO) or any other conference that may be hosted in the United States at the

expense of the Commission, since the policy of the Commission provides for payments for its members to attend conferences and the policy does not specify that the conference be held in the United States. Additionally, since the members of the Commission will not be compensated as board members for the LRA, there is no violation for those members of the Commission to serve as board members for the LRA. The Board declined to render an advisory opinion with respect to the issue of whether or not the Commission may use Commission funds to pay for the conferences, travel, room, and board since it is not a matter under the jurisdiction of the Board.

Adopted an advisory opinion in Docket No. 12-1420 concluding that (1) no violation of the Code of Governmental Ethics is presented by the Town of Arcadia paying Robert Moore, the Town Attorney, to attend informational meetings about a tax renewal and answer questions, in accordance with his current contract as town attorney, since Section 1102(22)(c) of the Code of Governmental Ethics provides that a public servant's salary is not considered a thing of economic value; (2) Mr. Moore does not have to register as a political committee based on his provision of information about the 1% sales tax renewal alone, without opposition or support and provided that he does not collect or expend any funds in connection with the tax renewal; and, (3) Mr. Moore does not have to register as a lobbyist based on his provision of information alone without any opposition or support to the 1% tax renewal.

Adopted an advisory opinion in Docket No. 12-1424 concluding that no violation of the Code of Governmental Ethics is presented by Kelly Lawrence, owner of Public Safety Innovations (PSI) and also a supervisor with the Louisiana State Office of Probation and Parole, selling alcohol and drug testing equipment devices to local sheriff's offices, police departments, and parish/city jails, since selling drug testing kits and/or providing consulting services is not a service which is devoted

to the responsibilities, programs or operations of the LA Office of Probation and Parole. The Board further advised that since Mr. Lawrence neither has control or involvement in the decisions of the sheriff/police departments and their purchase of drug testing kits, and any transaction PSI would enter into with such local agencies would not be under the supervision or jurisdiction of the LA Office of Probation and Parole, then no apparent violation of Sections 1112 and 1113 of the Code of Governmental Ethics is presented.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, adopted an advisory opinion concluding that ActRight Fund is not required to register as a political action committee with the State of Louisiana, since ActRight is a facilitator of funds for persons who would like to make a contribution to a candidate /committees through use of a credit card. All contributions received through ActRight are processed directly through a merchant account owned and controlled by the candidate /committee and placed in the candidate /committee account. The contributions are never deposited into ActRight's account. ActRight does not support or oppose any particular candidates. Instead, the website list any and all candidates /committees who have entered into an arrangement to receive credit card contributions through the ActRight's website.

In connection with a staff memorandum in Docket No. 12-1442 regarding an Answer submitted by Tiffany Crawford, a member of the New Orleans Regional Business Parks Board, in response to a notice of delinquency, instructed the staff to advise Ms. Crawford she must file her 2010 Tier 2.1 annual personal financial disclosure statement.

Adopted an advisory opinion in Docket No. 12-1461 concluding that the members of the Republican Parish Executive Committee of Bossier Parish are not subject to the training requirement set out in La. R.S. 42:1170(3), since members of the Executive Committee of the Bossier Republican

Party are not public servants as defined by the Code of Governmental Ethics and since the members of the Committee do not hold office in a governmental entity and are not elected officials. Further, the members of the Committee are not public employees since they are not within the definition provided in Section 1102(18) of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 12-1465 concluding that no violation of the Code of Governmental Ethics is presented by the Secretary and employees of the Department of Children and Family Services (DCFS) serving as members of the board of directors for an entity that contracts with the DCFS, as long as the Secretary and the employees of DCFS are not compensated by the nonprofit organization.

Adopted an advisory opinion in Docket No. 12-1484 concluding that, based on the unique circumstances of the privatization of governmental services, no violation of the Code of Governmental Ethics is presented by former employees of the Office of Group Benefits (OGB) accepting employment with BlueCross BlueShield (BCBS) for services that have been privatized by OGB, since the employees affected by the privatization did not participate in the decision to privatize the services.

Adopted an advisory opinion in Docket No. 12-1486 concluding that no violation of the Code of Governmental Ethics is presented by a company owned by Jane Anders, a member of the Allen Parish Library Board of Control, transacting business with the Allen Parish Police Jury, since the Allen Parish Police Jury is not Ms. Anders' agency.

Adopted an advisory opinion in Docket No. 12-1487 concluding that no violation of the Code of Governmental Ethics is presented by James Lipscomb, an employee of the East Baton Rouge Sewer Program, accepting part-time employment with the Department of Transportation and

Development (DOTD), since neither the Sewer Program or DOTD is under the supervision of the other.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the August 16-17, 2012 meetings.

The Board considered the proposed 2013 calendar for meetings of the Louisiana Board of Ethics. The Board discussed having meetings on Fridays only. Chairman Monroe asked the members to think about one day meetings and share their preferences with him to be brought up for further discussion at a later meeting. On motion made, seconded and unanimously passed, the Board approved the proposed 2013 meeting schedule.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a request in Docket No. 12-383 for a waiver of the \$240 and \$400 campaign finance late fees assessed against Marshall Long, a candidate for Pointe Coupee Police Juror, District 2 in the October 22, 2011 election, for filing his EDE-P and 10-G campaign finance disclosure reports 6 and 13 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$240 late fee but suspended \$140 conditioned upon future compliance with the Campaign Finance Disclosure Act and declined to waive the \$400 late fee.

Chairman Monroe vacated the Chair. Board Member Blewer assumed the Chair.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a request in Docket No. 12-743 for a waiver of the \$320 campaign finance late fee assessed against Marvin Blake, Jr., a candidate for Mayor of the City of Natchitoches in the March 24, 2012 election, for filing his EDE-P campaign finance disclosure report 8 days late. On motion

made, seconded and unanimously passed, the Board declined to waive the \$320 late fee.

The Board considered a request for an advisory opinion Docket No. 12-895 regarding whether members of the legislature may purchase movie tax credits under the Louisiana Motion Picture Tax Incentive Act and historic tax credits administered by the Louisiana Division of Historic Preservation. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by members of the legislature purchasing movie tax credits or historic tax credits from applicants or third parties, since the purchase of the tax credits do not include entering into any transactions under the supervision or jurisdiction of the Louisiana legislature nor does such purchase require entering into any contracts with the Department of Economic Development, State Historic Preservation Office or the Department of Revenue.

Chairman Monroe resumed the Chair.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a request in Docket No. 12-1134 for a waiver of the \$1,400 campaign finance late fee assessed against Deputies for a Safe St. Bernard, a political action committee, whose Annual campaign finance disclosure report was filed 7 days late. On motion made, seconded and passed by a vote of 6 yeas by Board Members Backhaus, Ingrassia, Leggio, Lemke, McAnelly and Stafford and 2 nays by Board Members Blewer and Monroe, the Board declined to waive the \$1,400 late fee but suspended \$900 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered a request for an advisory opinion in Docket No. 12-1483 regarding whether licensed notaries are required to take ethics training pursuant to La. R.S. 42:1170. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics would not require notary publics commissioned in the State of Louisiana to

take ethics training pursuant to La. R.S. 42:1170, since a notary public does not meet the definition of “public employee” just by virtue of his/her commission by the Louisiana Secretary of State.

On motion made, seconded and unanimously passed, the Board agreed to take action on the Campaign Finance Waiver Requests in Item #G38 en globo subject to any items being removed from the en globo listing for further discussion. On motion made, seconded and unanimously passed, the Board adopted the staff recommendations in connection with the Campaign Finance Waiver Requests in Item #G38 excluding Docket Nos. 12-1364, 12-1500, 12-1501 and 12-1497 taking the following action:

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered requests for “good cause” waivers of late fees assessed against the following candidates and political action committees:

The Board unanimously declined to waive the late fees assessed against the following:

Docket No. 12-735 from Warren Founds of a \$480 late fee;  
Docket No. 12-1124 from C. Denise Marcelle of a \$1,620 late fee;  
Docket No. 12-1147 from Sonya Ohmer Collins of a \$800 late fee;  
Docket No. 12-1491 from Jerry Rosenberg of a \$2,360 late fee, a \$2,150 late fee  
a \$1,000 late fee, a \$1,650 late fee, a \$1,000 late fee and a \$1,600 late fee;  
Docket No. 12-1495 from John Gordon Sorey of a \$60 late fee;  
Docket No. 12-1498 from LA CPA of a \$3,000 late fee, a \$2,000 late fee  
and a \$2,000 late fee; and,  
Docket No. 12-1504 from LA Home Association PAC of a \$500 late fee; and,  
Docket No. 12-1505 from LA Home Association PAC of a \$1,250 late fee and a reassessed  
\$1,100 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1144 for a waiver of the \$400 campaign finance late fee assessed against Lindel Toups, a candidate for LaFourche Parish Council in the October 22, 2011 election, for filing his EDE-P campaign finance disclosure report 97 days late. On motion made,

seconded and unanimously passed, the Board rescinded the \$400 late fee, since the EDE-P report disclosed \$0 activity and Mr. Toups' report preparer was ill during the time the report was due.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1364 for a waiver of the \$1,000 campaign finance late fee assessed against Winston Roberts, a candidate for Grant Parish Police Juror, District 6 in the October 22, 2011 election, for filing his Supplemental campaign finance disclosure report 131 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the October meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1492 for a waiver of the \$600 campaign finance late fee assessed against Chet Gregory, a candidate for Sabine Parish Coroner in the October 22, 2011 election, for filing his 30-P campaign finance disclosure report 251 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$600 late fee but suspended \$400 conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1495 for a waiver of the \$540 campaign finance late fee assessed against John Gordon Sorey, a candidate for Richland Parish Sheriff in the October 22, 2011 election, for filing his EDE-P campaign finance disclosure report 9 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$540 late fee but suspended \$340 conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1496 for a waiver of the \$480 campaign finance late fee

assessed against Tarvald Anthony Smith, a candidate for East Baton Rouge Parish School Board in the May 2, 2009, for filing his Supplemental campaign finance disclosure report 8 days late. On motion made, seconded and unanimously passed, the Board waived \$380 of the \$480 late fee, since Mr. Smith timely filed the report in paper format.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1497 for a waiver of the \$480 campaign finance late fee assessed against Cynthia Clay Guillory-Lands, a candidate for Judge, 14th JDC in the October 4, 2008 election, for filing her Supplemental campaign finance disclosure report 8 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$480 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1500 for a waiver of the \$1,000 campaign finance late fee assessed against Victor W. Rogers, a candidate for Arcadia Chief of Police in the October 2, 2010 election, for filing his Supplemental campaign finance disclosure report 27 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the October meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1501 for a waiver of the \$3,000 campaign finance late fee assessed against Traits of Leadership, a political action committee, for filing the 10-G campaign finance disclosure report 237 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the October meeting.

On motion made, seconded and unanimously passed, the Board agreed to take action on the Personal Financial Disclosure Waiver Requests in Item #G39 en globo subject to any items being removed from the en globo listing for further discussion. On motion made, seconded and

unanimously passed, the Board adopted the staff recommendations in connection with the Personal Financial Disclosure Waiver Requests in Item #G39 excluding Docket No. 12-1436 taking the following action:

The Board considered requests for “good cause” waivers of late fees assessed against the following individuals in connection with the failure to timely file personal financial disclosure reports:

The Board considered a request in Docket No. 12-865 for a waiver of the \$1,500, \$1,500 and \$1,500 late fees assessed against Wilton Guidry for filing his 2009 Tier 3 candidate personal financial disclosure statement, 2009 Tier 3 annual personal financial disclosure statement and his 2010 Tier 3 annual personal financial disclosure statement 538, 184 and 184 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$4,500 but suspended \$3,000 conditioned upon future compliance with the Code of Governmental Ethics. The Board further instructed the staff to offer Mr. Guidry a payment plan of \$50 per month.

The Board considered a request in Docket No. 12-1434 for a waiver of the \$500 late fee assessed against William Walker Hines for filing his 2011 Tier 2 annual personal financial disclosure statement 5 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$500 late fee but suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 12-1435 for a waiver of the \$1,350 late fee assessed against Dr. Gerald Leglue, Jr. for filing his 2009 Tier 2.1 annual personal financial disclosure statement 27 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,350 late fee but suspended \$850 conditioned upon future compliance with

the Code of Governmental Ethics.

The Board considered a request in Docket No. 12-1437 for a waiver of the \$1,500 late fee assessed against Dena Howe for filing her 2010 Tier 2.1 annual personal financial disclosure statement 60 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$1,500 late fee pursuant to Rule 1204.

The Board considered a request in Docket No. 12-1438 for a waiver of the \$700 late fee assessed against Sammie Faulk for filing his 2010 Tier 2.1 annual personal financial disclosure statement 14 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$700 late fee but suspended \$400 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 12-1439 for a waiver of the \$1,500 late fee assessed against Darryel Walters for filing his 2009 Tier 2.1 annual personal financial disclosure statement 264 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee. The Board further instructed the staff to offer Mr. Walters a payment plan of \$100 per month.

The Board considered a request in Docket No. 12-1440 for a waiver of the \$1,100 late fee assessed against Joseph Dantin for filing his 2010 Tier 2.1 annual personal financial disclosure statement 22 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,100 late fee but suspended \$600 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 12-1448 for a waiver of the \$1,500 late fee assessed against Michelle Vaughns-Hartford for filing her 2010 Tier 3 annual personal financial

disclosure statement 79 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee.

The Board considered a request in Docket No. 12-1450 for a waiver of the \$700 late fee assessed against Johnnie Shorty for filing his 2009 Tier 3 annual personal financial disclosure statement 14 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$700 late fee but suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 12-1436 for a waiver of the \$1,350 late fee assessed against Sterling Lejeune for filing his 2010 Tier 2.1 annual personal financial disclosure statement 27 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the October meeting.

The Board unanimously agreed to consider the following supplemental agenda items:

The Board considered a request for an advisory opinion in Docket No. 12-890 regarding whether Palmetto Farms, L.L.C. (Palmetto Farms) may enter into contracts with the Bossier Levee District following Mr. Dennis Branton's resignation from the Levee District's Board of Commissioners. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the Bossier Levee District entering into contracts with Palmetto Farms, L.L.C. following the resignation of Dennis Branton from the Levee District's Board of Commissioners, since the Levee District would not be contracting with Mr. Branton if it were to enter into a contract to purchase borrow material from Palmetto Farms or contract for a right of way/servitude with Palmetto Farms.

The Board considered a request for an advisory opinion in Docket No. 12-1587 regarding

Renita Bryant, a certified family nurse practitioner with Morehouse General Hospital, accepting complimentary admission, travel, lodging and meals to attend a training program offered by the Johnson and Johnson Diabetes Institute. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Bryant accepting complimentary admission, including educational materials, transportation, and lodging to attend a training program offered by the Johnson and Johnson Diabetes Institute. The Board further advised that Ms. Bryant will be required to file a disclosure affidavit disclosing the amounts received for complimentary admission, lodging and transportation within sixty (60) days of receipt of the amounts pursuant to La. R.S. 42:1123(41). In addition, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Bryant accepting food, drink or refreshments from Johnson and Johnson as long as such things are consumed while the personal guest of a representative of Johnson and Johnson and the value of such food, drink or refreshment does not exceed \$56 at each single event.

On motion made, seconded and unanimously passed, the Board agreed to take action on items GS3-GS7 en globo subject to any items being removed from the en globo listing for further discussion. On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items GS3-GS7, excluding items GS4 and GS5, taking the following action:

The Board considered a request for an advisory opinion in Docket No. 12-1618 regarding whether Wildwood Resort, owned by newly appointed Sabine Parish Tourist Commissioner Mr. Randy Ziegler, III, can continue to receive payments from the Sabine Parish Tourist Commission. On motion made, seconded and unanimously passed, the Board concluded that Section 1113B of the Code of Governmental Ethics prohibits Wildwood Resort from entering into or being in any way

interested in a transaction that is under the supervision or jurisdiction of the Sabine Parish Tourist Commission and from being able to participate in a Co-op buy-in on discount advertising where there is a share of the costs paid by the Sabine Parish Tourist Commission.

The Board unanimously accepted for filing, the disclosure statements filed in Docket No. 12-1621 for August, 2012.

The Board considered a request for an advisory opinion in Docket No. 12-1622 regarding whether a construction firm owned by Iberia Parish Councilman Jerome Fitch can enter into a contract with the City of Jeanerette. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the construction firm entering into contracts with the City of Jeanerette as long as the construction contract to perform the renovations at the Jeanerette Museum is under the supervision or jurisdiction of the City of Jeanerette and not the Iberia Parish Council or any department thereof.

The Board considered a request for an advisory opinion in Docket No. 12-1619 regarding William Nungesser, Plaquemines Parish President, entering into an agreement with FEMA to place trailers at a trailer park that he owns. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by William Nungesser entering into a transaction with FEMA for the placement of trailers at a trailer park the he owns, since any transaction entered into by Mr. Nungesser with FEMA would not be under the supervision or jurisdiction of Plaquemines Parish Government. The Board further advised that in the circumstance in which FEMA has a business, contractual or financial relationship with Plaquemines Parish Government, Section 1111C(2)(d) of the Code of Governmental Ethics would not prohibit Mr. Nungesser from entering into a transaction with FEMA for the placement of trailers at a trailer

park owned by him, since FEMA is not a person as defined by the Code of Governmental Ethics.

The Board considered a request for an advisory opinion in Docket No. 12-1620 regarding the propriety of William Nungesser, Plaquemines Parish President, providing the U.S. Army Corps of Engineers an access road to the Ollie Pump Station in Plaquemines Parish. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by William Nungesser providing the Army Corps of Engineers an access road to the Ollie Pump Station in Plaquemines Parish, since Mr. Nungesser is not entering into a transaction with his agency, rather he would enter into a transaction with the Army Corps of Engineers. The Board further advised that Mr. Nungesser will be required to file a personal financial disclosure statement pursuant to La. R.S. 42:1114.3 disclosing any thing of economic value derived through the contract with the Army Corps of Engineers for the use of Nungesser Lane.

The Board considered proposed changes to the Rules for the Louisiana Board of Ethics concerning procedures for investigations and hearings. Following a review of the proposed Rules and discussion, the Board instructed the staff to revise Section 8 and return the Rules to the Board's October agenda for review.

The Board unanimously adjourned at 12:48 p.m.

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Secretary

APPROVED:

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Chairman

